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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1046th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 3 August 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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GE.94-18237 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Ninth and tenth periodic reports of Senegal (CERD/C/209/Add.7)

1. At the invitation of the Chairman, Mr. Guissé and Mr. Ndiaye (Senegal) took places at the Committee table.

2. Mr. GUISSE (Senegal), introducing his country's tenth periodic report (CERD/C/209/Add.7), recalled the tokens of commitment to democracy and respect for human rights which Senegal had given since its accession to national sovereignty. Upon acceding to independence his country had recognized itself as bound by all the legal instruments relating to human rights to which France, the former colonial Power, had been a party. Senegal was now party to some 60 international instruments relating to human rights and humanitarian law and duly submitted the periodic reports it was required to present under nine of those instruments to the competent bodies. With more particular reference to discrimination, he said that in addition to the Convention on the Elimination of All Forms of Racial Discrimination, Senegal was party to the Convention on the Elimination of All Forms of Discrimination Against Women, ILO Convention No. 111 concerning Discrimination (Employment and Occupation), and the UNESCO Convention against Discrimination in Education.

3. The Senegalese authorities, convinced that discrimination formed the basis of all forms of human rights violations and that the persistence of certain forms of discrimination born of colonization and conducive to racial and ethnic tensions represented a danger for a young State, had formulated a genuine policy for national integration and for the prevention and punishment of all forms of discrimination. Thus, article 1 of the Constitution proclaimed the democratic, secular and social character of the Republic of Senegal, prohibited all political parties and all associations from identifying themselves with any one race, ethnic group, sect, language or religion, and proclaimed the right of all citizens to be elected by universal suffrage and to exercise any political function. That policy had also found concrete expression in the elaboration of a cultural charter and the creation of a social framework propitious to the cultivation of fraternity, solidarity and mutual understanding, the establishment of the Les Mutants university and of an institute for human rights and peace, and the setting up of a structure for the promotion of the national languages and of literacy.

4. Article 4 of the Constitution proclaimed the equality of all before the law, and the State did not call for any special measure to ensure the advancement of particular social, ethnic, language or religious groups to the detriment of others. Equality before the law was further concretized by the continuous strengthening of the independence of the judiciary and freedom of access of all citizens to the courts. Senegal had incorporated in its domestic law the essential contents of the international conventions to which it was party, thereby guaranteeing all the rights protected by those instruments. Tolerance and respect of diversity had always been viewed as essential factors contributing to equilibrium and mutual enrichment in Senegal.

5. Mr. DIACONU (Rapporteur for Senegal) said that Senegal's will to found the State and the life of society upon the primacy of law was evident. Senegal was party to a great number of international instruments covering all aspects of human rights; it had recently reorganized the judicial machinery, which included a Constitutional Council, a Council of State, a Court of Cassation and a Higher Council of the Judiciary; its legislation was probably among those most in conformity with the Convention in that it condemned all acts of racial, ethnic or religious discrimination, prohibited all associations whose activities were likely to put into practice racial or ethnic discrimination or incite to such discrimination, prohibited the dissemination of ideas founded upon racial superiority or hatred, and treated such acts as criminal offences. Finally, international human rights instruments took precedence in Senegal over the country's domestic laws.

6. Well-documented as it was, the report of Senegal nevertheless remained silent on several points. It said nothing about the actual implementation of the national laws. It would be interesting to know whether the provisions of those laws had been invoked before Senegalese courts, whether any associations had been banned, and whether any perpetrators of acts of racial discrimination had been punished. He drew attention to certain divergencies between the demographic data in respect of the Wolof, Peul, Serer and other populations appearing in the report under consideration and those given in the eighth report. The concentration of populations in certain parts of the country could stand in the way of efforts to ensure equality of rights and the implementation of provisions adopted to that end in the fields of nationality, women's rights, education, social welfare, family law, elections and economic, social and cultural rights. More than 80 per cent of the country's industrial and commercial activities and some 40 per cent of the population, for the most part Wolof, were concentrated in the Dakar area. Experience showed that unequal economic development of different parts of a country, especially if they were inhabited by different ethnic groups, was a source of discrimination between various population groups and, consequently, of conflicts. In the case under consideration, the economic structure superimposed on the ethnic structure did, perhaps, entail inequalities in the enjoyment of economic, social and cultural rights, which might explain the Diola separatist movement of Casamance and the persistence of that conflict despite repeated cease-fire agreements. While the Committee certainly did not encourage separatist movements, it had a duty to assure itself that situations such as those in Casamance, which was characterized by pitched battles, bombings and the shifting of populations, were not due to the fact that the needs of certain regions and, consequently, of certain ethnic groups had been neglected. The Committee would like to have further information on the situation in that region and on the measures which the Government intended to take to resolve the problem and prevent its recurrence elsewhere. It would also like to know whether interventions by the armed forces and the police in the region were perceived by the local population as acts of repression of one ethnic group by another.

7. What place did the five ethnic groups referred to in paragraph 62 of the report occupy in the Government, in Parliament and in the administration? It would be helpful to have economic and social data supplied for each of the country's regions. He requested the representative of Senegal to supplement the information contained in paragraphs 17 and 18 of the report by indicating

the languages used for teaching in the large regions inhabited by those five ethnic groups, the number of schools, the types of school and the number of students, and by specifying how different cultures could express themselves - through publications, plays, museums of history and civilization, etc. - and what was the level of literacy in the country's different regions. Another query related to the fate of people who had fled from the conflict area on the frontier between Senegal and Mauritania. The OAU had established a mediation commission to try to resolve that problem, and the Committee would like to know whether the refugees had been able to return home. Senegal also had a foreign population which, according to the report, numbered a million people, or 15 per cent of the total population. In addition to the information already supplied, the Committee would like to know the foreigners' countries of origin, their possibilities of access to work and to education, and what was being done by way of preservation of their national identity.

8. Lastly, two provisions of the Senegalese Constitution called for clarification. First, there was article 4, which prohibited any regionalist propaganda prejudicial to the internal security of the State. Then there was article 3 (1) of the Constitution under which political parties were prohibited from identifying with one race or ethnic group. The Committee would like to know how that provision should be understood and to what exactly it corresponded in practice.

9. Mr. WOLFRUM asked for clarification of paragraph 15 of the report, where it was stated, on the one hand, that article 4 of the Senegalese Constitution condemned all forms of racial discrimination and, on the other hand, that the definition of racial discrimination which appeared in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination was not included in that Constitution. In order to be able to condemn racial discrimination, it seemed to him essential, to provide a definition thereof, preferably in the light of article 1 of the Convention. In paragraph 22, which dealt with the implementation of article 4 of the Convention, it was stated that article 3 of the Constitution prohibited political parties from identifying with one race, ethnic group, sect, religion, etc. Such a prohibition, which was quite common, did not properly speaking constitute implementation of article 4 of the Convention. He asked whether any political parties had actually been prohibited under article 3 of the Constitution.

10. The Human Rights Committee understood Casamance to be or to have been in a state of siege. It would be helpful if the representative of Senegal were to describe the situation and indicate what restrictions the state of siege entailed and for whom, whether negotiations between the Diola and the Senegalese authorities were actually taking place, and where those negotiations stood. The Committee had learned that 992 persons had been imprisoned in the region in 1991 and that 24 of them had not yet reappeared. It would like to know where matters stood with the investigation, if any, into that situation.

11. Ms. SADIQ ALI said that she interpreted the conflict in Casamance to represent the reaction of the Diola population to the arrival of the Wolof people from the north of the country, who were behaving like colonizers. She was alarmed by the flare up of violence in the region despite the 1991

agreement between the Senegalese Government and the separatists. The army, which until mid-March 1993 had been under orders to remain on the defensive, was now pursuing the attackers to their bases along the border with Guinea-Bissau. That development corresponded to the arrival in Casamance of the elite corps of the Senegalese army. She asked whether military activity had now been replaced by diplomatic initiatives, and also wished to know what had been the result of the agreement with Mauritania, particularly with regard to displaced persons, who were reported to be experiencing all kinds of difficulties in returning home.

12. In paragraph 51 of the report it was stated that freedom of association was established in article 9 of the Constitution. However, three opposition deputies and 84 other people were reported to have been arrested in Dakar in November 1992 and sentenced to six months in prison for taking part in an unauthorized demonstration. Some of those people's defence lawyers had not even been heard before the passing of the sentence. The demonstration in question had been held in support of the country's civil servants, whose salary had been cut by 15 per cent. The Committee knew nothing about the fate of those persons.

13. Information was also lacking on the situation in the area of education. Budget cuts had led to restrictions on school enrolment with a view to reducing the number of candidates for posts in the public sector. The Committee on Economic, Social and Cultural Rights had expressed its concern in that connection as well as over the high proportion of drop-outs from technical secondary eduction. As for trade union rights, the Committee noted with concern that foreign workers were barred from holding trade union office and that the authorities could restrict the right to strike by imposing compulsory arbitration.

14. Mr. VALENCIA RODRIGUEZ welcomed the very full report introduced by the Senegalese delegation, which supplied important information and showed that, basically, Senegal was fulfilling its obligations under the Convention. Moreover, consideration of the report was facilitated by the fact that it was drafted in accordance with the guidelines established by the Committee.

15. The Senegalese population was composed of several ethnic groups, among which the Wolof constituted a clear majority (43.7 per cent). That showed the importance of the Convention for Senegal. Other positive factors which emerged from the report included the fact that Senegal had acceded to a considerable number of international instruments for the promotion and protection of human rights and that, in its domestic legal order, treaties took precedence over national laws. The fact that the Senegalese Constitution contained no definition of racial discrimination (para. 15 of the report) was not an obstacle to compliance with the obligations imposed by the Convention, although it would obviously be preferable if a closer link was established between article 1 of the Convention and article 4 of the Senegalese Constitution.

16. With regard to condemnation of all racial propaganda and organizations practising such propaganda (art. 4 of the Convention), the information supplied in paragraphs 22 to 30 of the report indicated that article 3 of the Constitution, the Criminal Code and the Acts of 4 January 1979 and

10 December 1981 made it possible to comply with that obligation. It was necessary to know, however, whether those provisions were applied in practice. The information in paragraphs 31 to 81 relating to the rights protected under article 5 of the Convention was very detailed, and he wished to thank the Senegalese delegation for supplying it. The information relating to the right to public health, medical care, social security and social services (para. 62 of the report) showed that Senegal, a developing country, was making considerable efforts to improve the standard of living of its population. Lastly, he welcomed the information concerning measures taken to combat all forms of discrimination (paras. 84 to 86 of the report), and congratulated Senegal on its achievements.

17. Mr. de GOUTTES said that the consideration of the report of Senegal was of very great interest to the Committee for two reasons. First, Senegal occupied an important strategic position in Africa; as well as being closely linked with other countries in the region, it also had ancient ties with Europe and the Arab world. That strategic importance was further enhanced at present by the dramatic events taking place in nearby Rwanda and Burundi and by the role Senegal might be called upon to play in resolving those regional crises. Secondly, Senegal was also a country where certain inter-ethnic problems existed, in particular in Casamance. As the Committee was aware, in Africa inter-ethnic problems were among the most serious and permanent causes of mass violations of human rights, discrimination and, sometimes, political oppression. Hence the interest in learning what Senegal, for its part, was doing to forestall the deterioration of certain inter-ethnic tensions within its territory. Hence, too, the vigilance that the Committee must exercise "before the fire" in order to prevent discrimination.

18. Senegal deserved to be commended for the regularity with which it submitted its reports - of which the one under consideration at present was the tenth - and also for having made the declaration provided for in article 14 of the Convention, which placed it among the minority of countries that accepted the principle of individual communications.

19. It was worth noting the contrast between the precise and detailed information relating to the implementation of articles 2, 3 and 4 of the Convention and the too general and too abstract information relating to articles 5 (especially), 6 and 7. He urged Senegal to focus particular attention on those three articles in its next report.

20. Although the matter did not fall directly within the terms of reference of the Committee, he would be glad to have some additional explanations concerning the independent judiciary referred to in the report (paras. 3 and 5). How was it organized? What constitutional guarantees of independence did it enjoy in relation to the executive? How were members of the Higher Council of the Judiciary, the Constitutional Council, the Council of State and the Court of Cassation appointed?

21. Further, how was the Senegalese Human Rights Committee referred to in paragraph 6 organized? How were its members appointed? What were its powers? Did the numerous non-governmental organizations concerned with promoting human rights in Senegal participate in its work? The formulation of a national cultural charter (para. 18) was an original and interesting experiment. Could

the Senegalese delegation provide additional information on that subject? Paragraphs 22 to 30 of the report provided an exhaustive analysis of the provisions of the Criminal Code which sanctioned all forms of racism, and demonstrated that, in conformity with article 4 of the Convention, Senegal possessed a very comprehensive set of laws in that field. What was clearly lacking, however, were practical examples of the application of those provisions: number of complaints, of prosecutions, of convictions for racist acts - in other words, court statistics.

22. Senegal had, in principle, proclaimed itself a secular Republic (para. 17) although it was a country with a very large Muslim majority (94 per cent of the population, according to paragraph 62). It would be interesting for the Committee to learn how the Senegalese Government was succeeding in reconciling those two facts, which could sometimes create difficulties. Like other speakers, he had noted that the tenth report of Senegal made no reference to the serious confrontations taking place in the Casamance region inhabited by the Dyola ethnic minority. According to available information, the populations of villages in the region had suffered from acts of violence committed by the army, as well as by the Casamance Democratic Forces Movement (MFDC). According to information provided by the organization ARIS, a cease-fire agreement between the Government and the MFDC had been concluded on 8 July 1994 and might enter into force at the end of the year. Could the Senegalese delegation provide information on that subject?

23. Mr. SHAHI said that he shared the concerns already expressed about the situation in the Casamance region and wished to know what was the situation with regard to the cease-fire agreement, which had just been mentioned, and any measures taken to resolve internal tensions in the region. He would also like to know what was the approximate number of Africans from neighbouring countries and of Europeans, respectively, among the million foreigners in Senegal. In paragraph 8 of the tenth report it was stated that the country was party to 26 international human rights instruments, yet he understood Mr. Guissé to have spoken of some 60 such instruments. Could the Senegalese delegation clarify that point? He welcomed the attachment to human rights shown by Senegal, a country which played an important role in international politics, in the Organization of African Unity and in the Islamic Conference Organization. That attachment should serve as a model to other developing countries.

24. Mr. FERRERO COSTA asked what role the Senegalese Human Rights Committee, responsible for coordinating activities to promote human rights in Senegal (para. 6 of the report), had played since its establishment back in 1970. Had it proved equal to the task of resolving possible racial discrimination problems? He also wished to know how the mechanism for the incorporation of international instruments in Senegalese law, which gave them precedence over national legislation, operated (end of para. 8). He was raising that question, in particular, because in paragraph 15 of the report it was stated that the definition of racial discrimination provided in article 1 of the Convention was not included in the Senegalese Constitution. If the Convention was incorporated in Senegalese national law, did not the definition appearing in article 1 of the Convention automatically form part of that law?

25. Senegal had adopted an impressive number of laws aimed at preventing racial discrimination (paras. 22 to 30 of the report, dealing with art. 4 of the Convention), and deserved to be congratulated on that score. However, the report did not mention the practical implementation of those laws, in other words the specific policies and programmes for their enforcement. He invited the Senegalese delegation to include such information in its next report with regard to the implementation not only of article 4 but also of article 5 of the Convention.

26. The report provided in paragraph 62 some statistical information on Senegal's demographic and health situation, which showed that the majority of the population consisted of Wolof and Peuls (43.7 per cent and 23.2 per cent, respectively) while the Serer, Dyola and Mandingo were, by contrast, in the minority. In the interest of preventing tensions due to racial discrimination, which was one of the Committee's major concerns, it was important that the various ethnic groups should be represented in various official posts (police, magistrature) and in various institutions through which political, economic and social power was exercised, in a proportion roughly corresponding to their proportion in the country's total population. He requested the Senegalese delegation to include information on that point in its next report.

27. Mr. BANTON associated himself with the previous speakers' remarks. The report was rich in information about the guarantees which protected human rights on paper, but gave relatively little information on the implementation and efficacy of the legislation referred to. As Mr. Diaconu had observed, military or police interventions were sometimes perceived as being ethnically motivated. Governments could not really know the truth except by conducting inquiries among the population. That was particularly true with regard to the rights listed in article 5 of the Convention (right to work, right to housing, right to social services, etc.). He wondered whether it really never happened in Senegal that someone was convinced that he had failed to obtain a job, a dwelling or a service because he did not, or perhaps because he did, belong to the Wolof. It was doubtless possible that in certain societies there was no discrimination on grounds of ethnic origin but in order to be credible an assertion of that kind had to be backed up by concrete evidence, of which surveys were an example. In the absence of evidence of that kind, the suspicion was bound to arise that cases of racial discrimination did occur from time to time. In connection with the right to legal protection against discrimination (art. 6 of the Convention), it was stated that access to the courts was a fundamental right for anyone who believed that his rights had been infringed (para. 82 of the report). That was not enough. The question was to the extent to which the persons who might be exposed to racial discrimination were aware of that right: did they know they had such a right, did they know what they had to do to have it recognized, what it would cost them, whether taking such action would be of any use? He hoped that Senegal would furnish information of that type in its next report. Failing quantitative data, the Committee would be glad to receive estimates or qualitative data, or some indication of what the situation seemed to be, even if that indication could not be backed up by figures.

28. Mr. SONG said that most of the legal texts cited in the report dated back to the 1960s. Had their implementation given rise to any difficulties which

might have necessitated changes? The seventh and eighth reports of Senegal had contained certain information in that regard. Had any amendments been made to the law since 1989 or 1990?

29. Mr. YUTZIS said that he was disturbed by the conflict taking place in Casamance. According to certain reports, there had been cases of disappearances or of persons whose situation was unclear. Could the Senegalese delegation provide a maximum of information on that subject?

30. With regard to implementation of article 5 of the Convention, the report referred in its paragraph 40 to the establishment of a radio and television supervisory council to manage the use of broadcasting time during electoral campaigns. What was the composition of that council? Did it include representatives of the State or private individuals? In either case, did it include representatives of different ethnic groups? In what proportions?

31. With regard to freedom of opinion and expression, paragraph 50 referred to a wide range of publications and vehicles of opinion and to numerous radio and television stations broadcasting in Senegal. Who controlled the television networks in particular, - private legal entities or State bodies?

32. The CHAIRMAN, speaking as a member of the Committee, congratulated Senegal on the quality of its periodic report and of the information provided orally. He had already had occasion to congratulate Senegal both on its efforts in the struggle against racial discrimination and on its excellent cooperation with his own country, Bulgaria. There were several questions he wished to put to the Senegalese delegation. First, like several other members of the Committee, he would like to know the official reasons for which Senegal prohibited the forming of political parties on a religious or ethnic basis. In that connection, he referred to Bulgaria, whose Constitution (of July 1991) contained provisions prohibiting the registration of political parties based on religious or ethnic motives, but where in fact there existed a party known as the "Movement for the rights and freedoms of Bulgarian citizens", known to represent Bulgarian citizens of Turkish origin, whose representatives sat in the Parliament, participated in elections and exercised a not inconsiderable influence over the two main parties in the Bulgarian National Assembly. He pointed out that such a situation, which frankly seemed a little worrying to Western European countries, was accepted without great difficulty in Africa and Asia.

33. Turning to the statistics of Senegal's demographic and health situation given in paragraph 62 of the tenth periodic report, he said that they did not provide an exact picture of the ethnic composition of the Senegalese population. It would be more useful to break down the data by ethnic groups. He noted with satisfaction however, that Senegal had adopted constitutional and legislative provisions that prohibited discrimination on racial grounds, and he associated himself with those members of the Committee who had asked for additional information on judiciary and administrative practice in the country. Could Senegal mention any specific cases of persons subjected to discrimination by reason of their ethnic or national origin?

34. Mr. GUISSE (Senegal), referring to the question of the implementation of provisions designed to prevent racial discrimination, said that in order to prevent and punish discriminatory practices Senegal had incorporated various international instruments in its national legislation. Those provisions had been promulgated, incorporated in domestic law and brought to the knowledge of judges. For a provision of the law to be applied, the victim of an offence had to bring the case before the competent court. The Procurator of the Republic or any other judicial authority could automatically bring a case before a court after finding that a discriminatory practice had taken place, but that had not happened in the past 23 years. During the time in which he had held the position of head of the Court of Criminal Jurisdiction, no case of discriminatory practice had been brought before any court. In addition to making the law generally known to the public, Senegal had given the provisions aimed at preventing and punishing discriminatory practices wide publicity through radio, television and the press. Citizens were therefore informed of the contents of those provisions and could bring cases before the courts without incurring any costs whatever.

35. Turning to the question of the ethnic composition of the Senegalese population, he explained that the demographic statistics were inadequate because censuses were carried out, not horizontally, but vertically; in other words, figures were arrived at, not on the basis of regions, but on the basis of ethnic groups which were often composed of nomads travelling from place to place with their herds. The statistical data were therefore distorted and varied from one period to another. He also explained that Toucouleurs and Peuls constituted the same ethnic group, the name Peul being used to designate the ethnic group all of whose members spoke the same dialect, known as "Toucouleur".

36. As for the imbalance whereby 85 per cent of Senegal's industry was concentrated in the Cap-Vert region, inhabited by 40 per cent of the population, while the rest of the country outside Dakar, inhabited by the remaining 60 per cent, accounted for only 15 per cent of industrial activity, he considered it to be a result of colonization. When Dakar had been the capital of the vast federation of French West Africa, investors had preferred to invest in the Cap-Vert region rather than penetrate into the interior of the country. After independence, Senegal had tried to diversify its industry and had opted for modernizing its agriculture, so that the country might achieve food self-sufficiency within a short time. Thus, the industrialization of Cap-Vert dated back to the colonial era. He recalled that Senegal was an essentially peasant and pastoral developing country, a de facto situation which was in no way a source of discriminatory practices intended to place particular regions in an unfavourable position. Senegal was making efforts to halt rural depopulation and to stabilize the distribution of the population across its territory. However, the population was concentrated above all in Dakar and other large towns which offered more numerous work opportunities.

37. Replying to Mr. Diaconu, who had asked whether interventions by the army and the police in the Casamance region were not perceived by the local population as acts of oppression of one ethnic group by another, he said that he sincerely did not think that was so. The Senegalese public forces were recruited from among all Senegalese citizens, irrespective of the ethnic group

to which they belonged. Thus, the head of the General Staff of the Army came from eastern Senegal while the chief of the national gendarmerie came from the south and many officers of different ethnic origins occupied various posts in Dakar. Senegal practised no distinction at the level of its authorities, whether political or traditional, and respected all ethnic groups. To prevent any misunderstanding, he pointed out that certain Senegalese were identified by the Wolof dialect, which now characterized an ethnic group. French, which was the official language of Senegal, was used for teaching in the main regions of the country. Existing national languages were at present the subject of special studies and were being transcribed. They were now being used inter alia, in the newspaper Soleil du Sénégal by agreement with the journalists working on that paper. Wolof, the spoken language, had actually become the country's commercial language. The cultural diversity of the ethnic groups was reflected in the theatre and in sculpture and painting in the different regions. Being aware of the importance of literacy to its economic development, Senegal had introduced a functional literacy programme directly connected with the beneficiaries' occupation or profession. By arousing their interest, the programme enabled the persons concerned to apply the contents of the teaching they received to their daily tasks.

38. Turning to the question of the conflict between Senegal and Mauritania, he said that Senegal did not forbid Mauritanians to enter its territory. Senegalese and Mauritanians were jointly exploiting the valley of the Senegal River, and considerable efforts were being made to establish peace in the valley. The question of refugee populations was receiving particular attention, and the High Commissioner for Refugees was assisting Senegal in managing the day-to-day problems of Mauritanian refugees. The latter were as well treated as the Senegalese themselves and in many cases were well integrated in the country. With regard to the number of foreigners in Senegal (approximately 1 million), he said that it was very difficult to give an exact figure for the foreign population. Senegal had never refused an entry visa except for security reasons. As censuses did not distinguish between the sedentary and transient populations, he was unable to give any other information on that point.

39. Turning to the question of article 4 of the Constitution prohibiting any regionalist propaganda prejudicial to the internal security of the State, he said that Senegal's main concern upon acceding to independence had been to consolidate the country and strengthen the foundations of the Senegalese nation. Article 4 of the Constitution derived directly from the idea that all Senegalese, from whatever region, should be considered Senegalese nationals first and foremost, irrespective of the particular region they might belong to. The article was preventive in nature, and it was with the same object in mind that Senegal had prohibited the establishment of political parties based on ethnic or religious considerations. That policy was in no way an obstacle to the creation of political parties, of which there were 17 in Senegal.

40. With regard to the fact, mentioned by Mr. Diaconu, that the Senegalese Constitution contained no definition of discrimination, he explained that Senegal had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, as a result of which the Convention as a whole had been incorporated in Senegalese internal law and could, under Senegalese law, be applied by a national court. Furthermore, the

Senegalese National Assembly had adopted national laws and legislative provisions (draft decrees) which expressly institutionalized the struggle against discriminatory practices. The definition of discrimination as it appeared in the Convention was enshrined in Senegalese national law as a consequence of the Convention's ratification.

41. It was true that separatist movements in Casamance had attempted to secede, an attempt which Senegal, like other countries, obviously could not accept. In certain cases it had been necessary to re-establish law and order, and when certain people refused the established order a measure of violence became unavoidable if order was to be maintained. He wished to stress that many people in Casamance had never wanted secession and that the Government had, from the start, established a reconciliation commission, essentially composed of inhabitants of Casamance, to work towards peace and understanding among all Senegalese. The commission's activities had been crowned with success; there had been a cease-fire and an agreement had been concluded and was being respected. The reconciliation commission was nevertheless continuing its task of re-establishing confidence and unity so that no region of the country should find itself in a marginalized position.

42. In that connection, he pointed out that Senegal was a developing country, that the economic situation in Casamance was rather better than that in the other regions, and that the Government was doing everything possible to open it up. It had been alleged that men had come into the region from the North and had settled and seized land there. But there were also men from the South to be found in the northern regions; in Senegal, populations moved all over the country, influenced by circumstances and natural phenomena, such as drought. It was correct to say that a state of emergency had been declared in Casamance for a certain period, following serious and fatal disturbances that had necessitated intervention. He wished to emphasize that only minimum measures had been taken under the state of emergency; freedom of movement had been limited, but no restrictions had been imposed upon the press. The state of emergency had been proclaimed solely with the object of re-establishing order and had been of short duration, the authorities having lifted it as soon as the situation permitted. With regard to enforced disappearances, he knew that thorough investigations had been launched by the competent authorities - the military, the gendarmerie or the police - but he did not know the results. As far as he was aware, those investigations were still in progress and he had no doubt that their conclusions would be reflected in Senegal's next report.

43. Ms. Sadiq Ali had referred to invasion of the southern regions by populations from the north. The term was incorrect. True, people from the north had moved from drought-affected areas to the better-irrigated Casamance region to cultivate lands that had belonged to nobody, although claims to their ownership had been made later. It was not possible, under those circumstances, to speak of a second colonization. Everyone in Senegal was free to move from place to place, people travelled about and settled down during the winter months to till the land. It was, rather, in the north, in the developed valley where major industrialists were gradually displacing the smallholders, that the term "invasion" could be applied. Ms. Sadiq Ali had also raised the question of displaced persons from Mauritania. It was true that during the conflict which had broken out in that country, a large number of Mauritanians had been displaced across the river and had settled in

Senegal, considering themselves to be refugees; Senegal had accepted them by virtue of the international conventions. Little by little, however, a return movement was beginning to take place; there was even some question of those persons being given back their property, in particular, which had been confiscated. Generally speaking, the situation with regard to Mauritania was in process of normalization.

44. It was correct that 3 deputies and 93 other persons had been arrested following several assassinations. The suspects had been arrested upon denunciation. As in French law, there existed under Senegalese law two forms of procedure. Under the first, when an offence took place, an investigation was initiated by the examining magistrate and the case was referred to the State Prosecutor, who drew up the indictment; the second procedure, which was employed in the case of a flagrant offence, was immediate. Under the normal procedure it was necessary to establish the constituent elements of the offence; if a deputy was involved, the lifting of parliamentary immunity would have to be requested before the investigation could commence. If that was granted, the deputy was heard and, possibly, placed under a warrant of arrest or released. In the case of the flagrant offence procedure, the facts of the case formed the constituent elements of the offence, doubt was not possible, there was no investigation, and arrest and trial could be proceeded with immediately; hence the question of parliamentary immunity did not arise. In the case referred to by Ms. Sadiq Ali, the three deputies to whom the flagrant offence procedure had been applied had benefited from a cessation of proceedings pronounced in full independence by the judges, and were now free. As for the 93 other persons, they had been released, with the exception of those whose direct participation in the murders had been established beyond question. However, even among those persons there had been some releases on medical grounds.

45. It was true that the education budget had been cut, but substantial cuts had also been made in other sectors, such as health, justice and the armed forces. That regrettable state of affairs was due to the economic situation, which had obliged Senegal to devaluate its currency and to make a general call for sacrifices in all areas. As for the numerous educational failures also reported by Ms. Sadiq Ali, they too were connected with the country's level of economic development; education was an economic right whose gradual realization the Senegalese Government was endeavouring to achieve.

46. Mr. Valencia Rodriguez had mentioned the relationship between article 1 of the Convention and article 4 of the Senegalese Constitution. It was true that at the outset the link between the two had not, perhaps, been very clear, but in any event the act of ratifying the Convention had had the effect of incorporating its provisions into the internal law. The authorities would seek to ensure a better understanding of that aspect in the future.

47. Mr. de Gouttes had asked what was being done to forestall explosions of ethnic strife in Senegal. No specific measures were contemplated in that respect, with the exception of certain legal steps, particularly the prohibition of establishment of parties on the basis of ethnic origin. In any case, the Casamance problem was not ethnic in nature; there was no ethnic problem in Senegal, and the measures were purely preventive.

48. The Senegalese judicial machinery was modelled on the French system. The judicial organs were more or less the same in both countries: Constitutional Council, Council of State, Court of Cassation, appeal courts and, lastly, regional and departmental courts. The Higher Council of the Judiciary was composed of the heads of each of these organs as well as of elected representatives of judges at all levels. Senegal's Human Rights Committee was composed of representatives of ministerial departments and various personalities chosen in the light of their special abilities and their interest in human rights. In the past, one of the Committee's essential activities had consisted in receiving spokesmen of the most representative non-governmental organizations, simply upon the latter's request. Its most important role, however, had been one of explanation and popularization - acquainting everyone with their rights, the limits of those rights, the forms of redress that could be expected, etc. As a member of the Senegalese Human Rights Committee, he himself had for 15 years been responsible for an information broadcast in the course of which listeners could receive answers to all kinds of questions. Another part of the Committee's duties was to report annually to the Government on difficulties encountered in the areas with which the Committee was concerned and on the implementation of international norms; however, so far it had done so only seldom. The Committee was also called upon to assist the Government in decision-making and law-making by explaining to it the contents of certain provisions. In future, the Committee would probably play an increasingly important role, especially vis-à-vis the Government, although it was true that the Ombudsman of the Republic also had important duties in that respect. He was not aware of any case in which the anti-discrimination laws had been applied, but the laws were there and could be invoked at any time.

49. Senegal, the majority of whose population were Muslims, was a secular State. The Muslims accepted their Catholic and animist fellow citizens without any difficulty because all religions coexisted in the greatest proximity; there were many families some of whose members belonged to one religion while others professed another and others still, a third. A Christian bishop might receive and pass on to a relative an air ticket for a pilgrimage to Mecca, a marabout might proclaim himself to be a Catholic: it was legitimate to speak of a democratic pluralism where everyone was free to live as he chose. If the Muslims, who formed the majority, had decided to impose themselves upon the rest, a fundamentalist State would perhaps have been established, and where would the minorities have been? Secularism was a factor of harmony and social balance, not a source of difficulties.

50. So far as clashes between the army and the separatists were concerned, Mr. Shahi could rest assured that the cease-fire agreement was effectively in force and that all Senegalese had now returned to normal life. Negotiations were continuing to consolidate that gain and to ensure that all could live in harmony. With regard to the country's million foreigners, he pointed out that, in addition to Africans from neighbouring or more remote countries, Senegal received many tourists from all over the world; their number, by definition, fluctuated a great deal and to give a precise figure was not possible. The 26 international instruments signed by Senegal which were mentioned in the report were only those relating to the protection of human

rights; many others, in a wide range of areas, had of course been signed as well. Lastly, the incorporation of international norms into internal law, effective immediately upon ratification, which gave those norms precedence over the national laws, was further strengthened by the incorporation of some of their provisions into the Criminal Code itself, which ensured that judges would take them into consideration.

51. The CHAIRMAN said that the Committee would continue the consideration of the ninth and tenth periodic reports of Senegal at the following meeting.

52. The delegation of Senegal withdrew.

The meeting rose at 6 p.m.